

IN THE CLAIMS

Please cancel Claims 1-17, 19, 21-22, and 24-41 and replace therefor with the following claims:

42. (New) A purified nucleic acid comprising:

- (a) SEQ ID NO:3, a portion thereof, or a variant thereof; or
- (b) a sequence hybridizing with a complementary strand of SEQ ID NO:3;

wherein said purified nucleic acid has a transcriptional promoter activity.

43. (New) The purified nucleic acid according to claim 42, which comprises SEQ ID NO:3 or a portion thereof.

44. (New) The purified nucleic acid according to claim 42, which is a *Clostridium perfringens* beta 2 toxin promoter or a fragment thereof.

45. (New) An expression cassette comprising, in the 5' to 3' direction, the purified nucleic acid according to claim 42 and a transgene to be expressed.

46. (New) The expression cassette according to claim 45, wherein said expression cassette further comprises a transcriptional terminator at a 3' end of said transgene.

47. (New) The expression cassette according to claim 45, wherein said expression cassette further comprises a secretion signal located between said purified nucleic acid and said transgene.

48. (New) The expression cassette according to claim 45, wherein said transgene codes for a toxin, a fragment thereof, or a variant thereof.

49. (New) The expression cassette according to claim 48, wherein said toxin is a pathogenic bacterium toxin.

50. (New) A vector comprising the purified nucleic acid according to claim 42.

51. (New) The vector according to claim 50, wherein said vector is functional in a

bacterium.

52. (New) The vector according to claim 51, wherein said bacterium is a *Clostridium* bacterium.

53. (New) The vector according to claim 51, wherein said bacterium is *Clostridium perfringens*.

54. (New) A recombinant cell comprising the purified nucleic acid according to claim 42.

55. (New) The recombinant cell according to claim 54, wherein said recombinant cell is a prokaryotic cell.

56. (New) A method for producing a polypeptide, comprising:

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- (a) introducing a transgene coding for said polypeptide into a cell, wherein said transgene is under the control of the purified nucleic acid according to claim 42;
 - (b) expressing said transgene; and
 - (c) recovering said polypeptide.
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57. (New) A method for producing a polypeptide, comprising:

- (a) introducing a transgene coding for said polypeptide into the recombinant cell according to claim 54, wherein said transgene is placed under the control of said purified nucleic acid;
- (b) culturing said recombinant cell to express said transgene; and
- (c) recovering said polypeptide.

58. (New) The method according to claim 56, wherein said cell is a *Clostridium* bacterium.

59. (New) The method according to claim 56, wherein said polypeptide is a toxin, a

toxoid, or a fragment thereof.

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60. (New) A purified nucleic acid comprising SEQ ID NO:4 or a portion of SEQ ID NO:4, which encodes a peptide that functions as a secretion signal peptide.

61. (New) A method for producing a polypeptide, wherein said method comprises:

- (a) introducing the expression cassette according to claim 45 into a cell, wherein said transgene is placed under the control of said purified nucleic acid;
- (b) expressing said transgene; and
- (c) recovering said polypeptide.

62. (New) The vector according to claim 50, which further comprises a transgene operably linked to said purified nucleic acid.

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63. (New) A recombinant cell comprising the expression cassette according to claim 45.

64. (New) A recombinant cell comprising the vector according to claim 50.

65. (New) A recombinant cell comprising the vector according to claim 62.

66. (New) The recombinant cell according to claim 54, wherein said recombinant cell is a bacterium.

67. (New) The recombinant cell according to claim 63, wherein said recombinant cell is a bacterium.

68. (New) The recombinant cell according to claim 64, wherein said recombinant cell is a bacterium.

69. (New) The recombinant cell according to claim 65, wherein said recombinant cell is a bacterium.

70. (New) The method according to claim 57, wherein said recombinant cell is a *Clostridium* bacterium.

71. (New) A method for producing a polypeptide, comprising:

- (a) culturing the recombinant cell according to claim 63 to express said transgene in said expression cassette; and
- (b) recovering said polypeptide.

72. (New) A method for producing a polypeptide, comprising:

- (a) introducing a transgene coding for said polypeptide into the recombinant cell according to claim 64, wherein said transgene is placed under the control of said purified nucleic acid on said vector;
- (b) culturing said recombinant cell to express said transgene; and
- (c) recovering said polypeptide.

73. (New) A method for producing a polypeptide, wherein said method comprises:

- (a) culturing the recombinant cell according to claim 65 to express said transgene in said vector; and
- (b) recovering said polypeptide.